

## **REMARKS**

This Amendment is submitted in reply to the non-final Office Action dated April 14, 2009, issued in connection with the above-identified application. Claims 29-53 are pending in the present application. With this Amendment, claims 29, 42, 45 and 48 have been amended, and claim 40 has been canceled without prejudice or disclaimer to the subject matter therein. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

At the outset, the Applicants thank Examiner Mered for granting the telephone interview (hereafter “interview”) with the Applicants’ representative on June 23, 2009. During the interview, we discussed in detail the distinguishable features between the present invention and the cited prior art.

It was noted that in the present invention (as recited in claim 29), an internet terminal sends a data packet every polling interval that is shorter than the holding period for the corresponding relationship stored in the router. The corresponding relationship stored in the router is between a global address assigned to the router and a local address of a terminal apparatus. Thus, it is possible for the router to always have the information necessary to convert from a global address into a local address, and thereby affect control of a home appliance during polling intervals.

It was further noted that the Kato reference fails to disclose that the terminal apparatus connected with the router via a home network, detects (via the home network) a holding period during which the corresponding relationship is held in the router, and sets a period shorter than the holding period as a sending interval at which data is sent. Additionally, the Sen reference fails to disclose the adjustment unit of the present invention, and merely discloses that the holding period is one to three minutes.

At the conclusion of the interview, an agreement was reached with regard to amending the independent claims to help further distinguish the present invention from the cited prior art. First, the Examiner indicated that it would be helpful to amend the independent claims to point out that the communication between the terminal apparatus and the server apparatus “is performed during or using a polling interval.” Second, the Examiner indicated that it would be

helpful to amend the independent claims to include the features of claim 40.

The Examiner indicated that the proposed claim amendments (if made) would likely distinguish the present invention from the cited prior art. However, the Examiner also indicated that further search and consideration of the claim amendments (if made) would be necessary prior to reaching a final determination regarding the allowability of the claims.

In the Office Action, claims 45-48 have been rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter. Specifically, the Examiner indicates that the claims recite executable code or a program *per se*, which is non-statutory. The Applicants have amended the claims such the claims are now in a claim format that is in conformance with 35 U.S.C. 101 and MPEP 2106.01. Withdrawal of the rejection to claims 45-48 under 35 U.S.C. 101 is now respectfully requested.

In the Office Action, claims 29-53 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (U.S. Publication No. 2001/0029532, hereafter “Kato”) in view of Sen et al. (an article entitled “Internet Draft Midcom-unaware NAT/Firewall Traversal, dated April 2002, hereafter “Sen”). The Applicants have amended independent claims 29, 42, 45 and 48 to help further distinguish the present invention from the cited prior art. The claim amendments to independent claims 29, 42, 45 and 48 are consistent with the suggestions made by the Examiner during the interview conducted on June 23, 2009. For example, claim 29 (as amended) recites the following features:

“[a] terminal apparatus for sending and receiving data to and from a router that is connected to an external network to which a server apparatus is connected, said terminal apparatus being connected to the router via a home network and the router holding a corresponding relationship between a global address assigned to the router and a local address of said terminal apparatus for a predetermined period of time, said terminal apparatus comprising:

a communication unit operable to send and receive data to and from the server apparatus via the router during a polling interval; and

an adjustment unit operable to detect a holding period during which the corresponding relationship is held in the router, and to set a period shorter than the holding period as a sending interval at which the data is sent;

wherein said communication unit is operable to send the data repeatedly to the router according to the sending interval, and

said adjustment unit is operable to detect a longest response interval as the holding period in the router out of a plurality of response data sent by the server apparatus in response to the plurality of data sent by said terminal apparatus.” (Emphasis added).

The features emphasized above in independent claim 29 are similarly recited in independent claims 42, 45 and 48. Additionally, the feature emphasized above in independent claim 29 (and similarly recited in independent claims 42, 45 and 48) are fully supported by the Applicants disclosure.

In the Office Action, the Examiner relies on Kato in view of Sen for disclosing all the features recited in independent claims 29, 42, 45 and 48.

As noted above, an agreement was reached during the interview conducted on June 23, 2009 for amending the independent claims to help distinguish the present invention from the cited prior art. Specifically, the Examiner indicated that it would be helpful to amend the independent claims to point out that the communication between the terminal apparatus and the server apparatus “is performed during or using a polling interval.” Additionally, the Examiner indicated that it would be helpful to amend the independent claims to include the features of claim 40.

Independent claims 29, 42, 45 and 48 have been amended to include both of the suggested amendments by the Examiner. Accordingly, independent claims 29, 42, 45 and 48 should be clearly distinguished from Kato in view of Sen without any additional comment being necessary.

However, the Applicants would also like to point out that Kato fails to disclose that the terminal apparatus connected with the router via a home network, detects (via the home network) a holding period during which the corresponding relationship is held in the router, and sets a period shorter than the holding period as a sending interval at which data is sent. Additionally, Sen fails to disclose the adjustment unit of the present invention, and merely discloses that the holding period is one to three minutes.

Based on the above discussion, no combination of Kato and Sen would not result in, or otherwise render obvious, independent claims 29, 42, 45 and 48 (as amended). Likewise, no

combination of Kato and Sen would not result in, or otherwise render obvious, claims 30-39, 41, 43, 44, 46, 47 and 49-53 at least by virtue of their respective dependencies from independent claims 29, 42, 45 and 48.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass this application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

Kazuhiro AIZU et al.

/Mark D. Pratt/

By: 2009.07.08 16:44:35 -04'00'

Mark D. Pratt

Registration No. 45,794

Attorney for Applicants

MDP/ats  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
July 8, 2009